

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE DIGITEK®

PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

NOTICE TO TAKE VIDEOTAPED ORAL DEPOSITION *DUCES TECUM*

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, under Federal Rules of Civil Procedure 26(d), 30 and 45, Plaintiffs will take the deposition of **Martha Bennett** on **Wednesday, March 2, 2011, at 9:00 a.m.** at the offices of Shook, Hardy & Bacon, 1155 F Street, NW, Suite 200, Washington, DC (202/783-8400). The oral examination will continue from day to day until completed. This deposition will be recorded stenographically and on videotape and will comply with any relevant orders in this MDL. This deposition is noticed in the above-captioned matter for any and all purposes permitted by the Federal Rules of Civil Procedure and any other federal, state, or local rules that apply to this action and the deposition will be taken in accordance with these rules. Pursuant to Federal Rule of Civil Procedure 30(b)(2) and 45(a), Plaintiffs request that Martha Bennett produce for inspection at the time of deposition:

1. The witness' current curriculum vitae or resume.
2. All correspondence and communication between the witness or anyone acting on the witness' behalf, and attorneys representing defendants in this Digitek® litigation.

3. All other documents prepared by the attorneys for the defendants and sent to the witness.
4. All documents, including documents and deposition transcripts which refer or relate to Digitek®, that the witness received from any source.
5. All retainer agreements or other agreements under which the witness has been or will be paid for work related to the Digitek® litigation.
6. All bills that the witness has rendered to attorneys and law firms in connection with Digitek® litigation.
7. A copy of the witness' entire file, including all electronic documents, and correspondence, in connection with this matter.
8. All documents, including additional materials received or reviewed, tangible things, data, or writings that relied upon, examined, considered, or rejected in preparing the reports in this matter, or subsequent to preparing her report.
9. Everything the witness reviewed that indicates any plaintiff in this MDL ingested defective Digitek®.
10. All notes that the witness has taken in connection with review of this matter.
11. All documents that the witness has prepared concerning the subject matter of this litigation.
12. All medical, scientific or other literature on which the witness relies in connection with the opinions expressed in the reports.
13. All documents, tangible things, data, or writings concerning whether a

Digitek® pill that may have been adulterated may have ever been received by a pharmacist or consumer. This request is not limited to just the Digitek® pills recalled in 2008 by Defendant Actavis, but to all Digitek® pills that may have ever been received by a pharmacist or consumer and suspected to be adulterated for any reason.

14. All documents the witness reviewed in preparation for this deposition.

Dated: February 28, 2011

Respectfully submitted,

On Behalf of the Plaintiffs' Steering
Committee

s/Fred Thompson, III Esq.
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CERTIFICATE OF SERVICE

I hereby certify that, on February 28, 2011, I electronically filed the foregoing **Notice to Take Videotaped Oral Deposition *Duces Tecum*** with the Clerk of the court using the CM/ECF system, which will send notification of such filing to all counsel of record and was emailed to counsel for Mylan and UDL Laboratories.

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